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Supreme Court, U.S.
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IN THE

Supreme Court of the United States

October Term, 1970.

~~71141~~ 70-5262

No. Miscellaneous.

NATHEL JORDAN,

Petitioner,

v.

HOWARD D. YEAGER, Warden, and
THE STATE OF NEW JERSEY,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

BRIEF FOR RESPONDENTS.

ANTHONY M. BEZICH,
Assistant Prosecutor of Camden County, New Jersey,
Court House,
Camden, New Jersey 08101.

A. DONALD BIGLEY,
Prosecutor of Camden County.
CHARLES A. COHEN,
Assistant Prosecutor,
On the Brief.

Huntzinger Printing Corp., *Appellate* [redacted], Camden, N. J.

TABLE OF CONTENTS OF BRIEF

	PAGE
Counterstatement of the Case	1
Counterstatement of the Facts	2
Argument	4
I. The petition exhibits no special or important reason for the allowance of a writ of certiorari	4
II. The defendant was not deprived of a fair trial by reason of the fact that the trial court did not instruct the jury that although he might be guilty as an aider or abettor he was not necessarily guilty in the same degree as the principal actor; there was no occasion for such instruction, and the defendant did not request such instruction, and did not object to the absence of such instruction	5
Conclusion	12

TABLE OF CITATIONS

CASES:

State v. Fair, 45 N. J. 77 (1965)	6, 11
State v. Humphreys, 54 N. J. 406 (1965)	10
State v. Jacques, 99 N. J. Super. 230 (App. Div. 1968), affirmed 52 N. J. 481 (1968), cert. den. 395 U. S. 985 (1969)	10
State v. Macon, 57 N. J. 325 (1971)	7
State v. Riley, 28 N. J. 188 (1958)	10

TEXT:

23A C. J. S. Criminal Law, §1190a, page 476	10

TABLE OF CONTENTS

STATUTES:	PAGE
N. J. S. A. 2A:85-14	6
N. J. S. A. 2A:113-4	6
U. S. SUPREME COURT RULE:	
Rule 19	4

COUNTERSTATEMENT OF THE CASE.

One Bertram Brown was attacked in his bedroom in the City of Camden, County of Camden, and State of New Jersey, on March 10, 1968, very severe injuries were inflicted on him, and on March 15, 1968, he died as the result of the injuries. The grand jury of Camden County indicted the present petitioner, Nathel Jordan, for the murder of Brown. Two assailants were involved in the attack, but they were separately indicted for murder. Nathel Jordan was brought to trial before a judge and jury at Camden in June, 1968, the jury rendered a verdict of guilty of murder in the second degree, and on July 23, 1968, the trial court sentenced the defendant, Nathel Jordan, to imprisonment in the New Jersey State Prison for not less than 20 years nor more than 25 years.

The defendant then appealed from the judgment of conviction to the Appellate Division of the Superior Court of New Jersey. That court, on January 8, 1970, by unanimous decision, affirmed the judgment, whereupon the defendant petitioned the Supreme Court of New Jersey for certification. That court, on April 14, 1970, denied certification. 55 N. J. 596 (1970).

The defendant then presented a petition for a writ of habeas corpus to the United States District Court for the District of New Jersey. The respondents on that petition were Howard D. Yeager, Warden, and the State of New Jersey. On December 2, 1970, that court denied the petition, and also certified that no reasonable cause existed for an appeal from its order of denial.

The defendant (as we will designate him throughout, rather than simply as the petitioner) then submitted a motion to the United States Court of Appeals for the Third Circuit for a certificate of probable cause, but on April 8, 1971, that court denied the motion.

The defendant now submits a petition to the Supreme Court of the United States for the issuance of a writ of certiorari to the United States Court of Appeals for the Third Circuit, and contends that the denial by the latter court of a certificate of probable cause should be reversed because his appeal raises substantial constitutional issues.